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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,077	08/22/2003	Mircea Gradu	TIMK 8670US	9605
1688	7590	06/23/2005	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			DUNN, DAVID R	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/646,077	<b>Applicant(s)</b> GRADU, MIRCEA	
	<b>Examiner</b> David Dunn	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/22/03, 11/26/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements filed August 22, 2003 and November 26, 2004 are acknowledged. See enclosed IDS forms.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the axis". There is insufficient antecedent basis for this limitation in the claim. Additionally, claim 2 recites "a common axis"; it is unclear if this is the same "axis" as recited in claim 1 or not.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Cady et al. (GB 2,275,667; cited in IDS).

Cady et al. disclose a stabilizer bar for an automotive vehicle, said bar comprising: first and second torsion rods (11, 12) which are aligned; a coupling including first and second coupling members (22, 35; see Figure 2) attached to the first and second torsion rods, respectively, such that the rods can rotate relative to each other about the axis, the members defining a cavity (41; see Figure 4) and having formations which are exposed to the cavity; a rheological fluid (see page 4, lines 30-32) in the cavity defined by the first and second coupling members, whereby the fluid will resist rotation of the members relative to each, with the magnitude of the resistance depending of the viscosity of the fluid (see paragraph bridging pages 5 and 6); and means (electric current provided by source 50; see page 5, lines 1-5 and lines 29-30) for varying the viscosity of the fluid in the cavity.

The first coupling member (35) is a rotor and the second coupling member is a housing (21) which surrounds the rotor; wherein the rotor and housing have a common axis. The formations on the rotor are vanes (35) which project outwardly and the formations on the housing are vanes (31) which project inwardly toward the axis and into the spaces between the vanes on the rotor. The housing has a cylindrical wall (21) from which the vanes of the housing project. The first and second torsion rods (11, 12) are separate and rotate relative to each other.

Cady et al. discloses that a magnetorheological fluid may be used, with the electronic control module controlling electromagnets to induce a magnetic field (see page 7, lines 2-8).

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*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 6, and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cady et al. in view of Carlstedt et al. (6,866,276).

Cady et al. is discussed above. As noted above, Cady et al. disclose the use of a magnetorheological fluid with electromagnets to vary the viscosity of the fluid; however, Cady does not actually use the term "coil".

Carlstedt et al. teaches a suspension with a magneto-rheological fluid stabilizer bar (30; see column 3, lines -38-57) with a coil (97) surrounding the housing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cady et al. with the teachings of Carlstedt et al. to provide a coil surrounding the housing in order to easily control the magnetic field of the fluid in the housing.

8. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cady et al. in view of Barwick (6,394,240).

Cady et al. is discussed above and fails to show the torsion rods being unified.

Barwick teaches a stabilizer bar (4) of unitary construction with a roll damper (1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cady et al. with the teachings of Barwick to construct a unified torsion rod in order to provide a sturdier stabilizer bar system.

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9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cady et al. in view of Carlstedt et al. as applied to claims 5, 6 and 9-16 above, and further in view of Barwick.

The combination of Cady et al. and Carlstedt et al. is discussed above and fails to show the torsion rods being unified.

Barwick teaches a stabilizer bar (4) of unitary construction with a roll damper (1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Cady et al. and Carlstedt et al. with the teachings of Barwick to construct a unified torsion rod in order to provide a sturdier stabilizer bar system.

### *Conclusion*

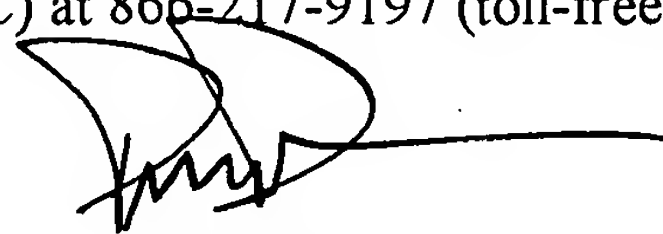
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Edmondson et al. shows a magnetorheological fluid-controlled suspension damper. Struss et al. shows a variable stabilizer bar. Carlstedt et al. ('166) shows a stabilizer bar of interest. Schiffler shows an actuator and roll bar of interest.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Dunn  
Primary Examiner  
Art Unit 3616